

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIE B. HADLEY,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 06-1007-GPM
)	
WARDEN RYKER,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

Petitioner, an inmate in the Lawrence Correctional Center, brings this habeas corpus action pursuant to 28 U.S.C. § 2254.

This case is now before the Court for a preliminary review of the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in United States District Courts. Rule 4 provides that upon preliminary consideration by the district court judge, “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.” After carefully reviewing the petition in the present case, the Court concludes that Petitioner is not entitled to relief and the petition must be dismissed.

As Petitioner acknowledges, he previously filed a § 2254 petition challenging his conviction and sentence. *See United States ex rel. Hadley v. Haws*, Case No. 97 C 6636, 1998 WL 698939 (N.D. Ill., filed April 23, 1998). Thus, the instant action constitutes a second or successive habeas corpus petition. However, Petitioner makes no showing that he has sought or received authorization

to file this second petition from the Seventh Circuit Court of Appeals. *See* 28 U.S.C. § 2244. Accordingly, this Court does not have jurisdiction to consider the petition.

In summary, this habeas action does not survive review under Rule 4. Accordingly, this action is **DISMISSED**. Dismissal is without prejudice to Petitioner presenting his claims in a new petition, but only upon proper authorization from the Seventh Circuit Court of Appeals.

The Clerk shall **CLOSE THIS CASE**.

IT IS SO ORDERED.

DATED: 01/17/07

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge